

JS 44 (Rev. 12-07-03) (08)

CIVIL COVER SHEET

10-Cv-4089

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

10 4089

I. (a) PLAINTIFFS

DONALD H. NELSON

(b) County of Residence of First Listed Plaintiff

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SOLUTIONS, INC.

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 130 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Self Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat. TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 250 Rent Lease & Ejectment <input type="checkbox"/> 240 Easements and <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w. Disabilities - Employment <input type="checkbox"/> 446 Amer. w. Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER FCRA 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

8-12-10

AUG 13 2010

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 12608 Falcon Lane, Lewiston, ID **10 4089**

Address of Defendant: 507 Prudential Road, Harsham, PA 19044

Place of Accident, Incident or Transaction: 12608 Falcon Lane, Lewiston, ID
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. § 1692
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Ther Kimmel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 8-12-10 Craig Ther Kimmel 57100
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-12-10 Craig Ther Kimmel 57100
Attorney-at-Law Attorney I.D.#

AUG 13 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Donald H. Nelson

v.

NCO Financial Systems, Inc.

CIVIL ACTION

10 4089

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (4)

8-12-10
Date

Cary Ther Kimmel
Attorney-at-law

Donald H. Nelson
Attorney for

215-540-8888

Telephone

800-863-1689

FAX Number

Kimmel@creditlaw.com

E-Mail Address

AUG 13 2010

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE**
3 **EASTERN DISTRICT OF PENNSYLVANIA**

4 DONALD H. NELSON,
5 Plaintiff

6 v.

7 NCO FINANCIAL SYSTEMS, INC.,
8 Defendant

10 - 4089

Civil Action No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

10
11 **COMPLAINT**

12 DONALD H. NELSON ("Plaintiff"), by his attorneys, KIMMEL &
13 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,
14 INC. ("Defendant"):

15
16 **INTRODUCTION**

17 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices
18 Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

19
20 **JURISDICTION AND VENUE**

21 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),
22 which states that such actions may be brought and heard before "any appropriate
23 United States district court without regard to the amount in controversy," and 28
24 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising
25 under the laws of the United States.

3. Defendant conducts business in the State of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in Idaho with a mailing address of 12608 Falcon Lane, Lewiston, ID.

7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road, Horsham, PA 19044.

9. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute that prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and

1 provides for specific consumer rights. 15 U.S.C. § 1692k. The operative
2 provisions of the FDCPA declare certain rights to be provided to or claimed by
3 debtors, forbid deceitful and misleading practices, prohibit harassing and abusive
4 tactics, and proscribe unfair or unconscionable conduct, both generally and in a
5 specific list of disapproved practices.

6 12. In particular, the FDCPA broadly enumerates several practices
7 considered contrary to its stated purpose, and forbids debt collectors from taking
8 such action. The substantive heart of the FDCPA lies in three broad prohibitions.
9 First, a “debt collector may not engage in any conduct the natural consequence of
10 which is to harass, oppress, or abuse any person in connection with the collection
11 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,
12 deceptive, or misleading representation or means in connection with the collection
13 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair
14 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
15 1692f. The FDCPA is designed to protect consumers from unscrupulous
16 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
17 unconscionable collection methods, conduct which harasses, oppresses or abuses
18 any debtor, and any false, deceptive or misleading statements in connection with
19 the collection of a debt.

20 13. In enacting the FDCPA, the United States Congress found that
21 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
22 collection practices by many debt collectors,” which “contribute to the number of
23 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
24 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
25

1 laws and procedures for redressing debt collection injuries to be inadequate to
2 protect consumers. 15 U.S.C. § 1692b.

3 14. Congress enacted the FDCPA to regulate the collection of consumer
4 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
5 abusive debt collection practices by debt collectors, to insure that debt collectors
6 who refrain from using abusive debt collection practices are not competitively
7 disadvantaged, and to promote consistent State action to protect consumers against
8 debt collection abuses.” 15 U.S.C. § 1692e.

9 **FACTUAL ALLEGATIONS**

10 15. At all pertinent times hereto, Defendant was hired to collect a
11 consumer debt allegedly owed by Plaintiff.

12 16. The alleged debt at issue arose out of transactions which were
13 primarily for personal, family, or household purposes.

14 17. Plaintiff was first contacted by Defendant concerning the alleged debt
15 on May 7, 2010 at approximately 7:30 a.m via a telephone call to his home.

16 18. This call startled Plaintiff, as he was sleeping at such an early hour.

17 19. During this inconvenient correspondence, Defendant failed to identify
18 itself as a debt collector, and did not inform Plaintiff that any information obtained
19 will be used for the purpose of collecting the alleged debt.

20 20. Moreover, during the correspondence, Defendant also threatened to
21 cut off Plaintiff's cell phone service, an action that it did not have the intention or
22 legal means to follow through on.

23 21. On this day of August 5, 2010, 90 days after the initial
24 correspondence with Defendant, Plaintiff has still not received a letter notifying
25 him of his rights and privileges under the law.

1 22. As a result, and because such information was not disclosed in the
2 initial correspondence, Plaintiff remained unaware of his right to dispute the debt,
3 obtain verification, and request the name and address of the original creditor.

4 23. Defendant's actions in attempting to collect the alleged debt were
5 harassing, and highly deceptive.

7 **CONSTRUCTION OF APPLICABLE LAW**

8 24. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
9 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
10 strict liability, a consumer need not show intentional conduct by the debt collector
11 to be entitled to damages." Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);
12 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
13 unintentional misrepresentation of debt collector's legal status violated FDCPA);
14 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

15 25. The FDCPA is a remedial statute, and therefore must be construed
16 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
17 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
18 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
19 1162 (9th Cir. 2006). "Because the FDCPA, like the Truth in Lending Act (TILA)
20 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in
21 favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

22 26. The FDCPA is to be interpreted in accordance with the "least
23 sophisticated" consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
24 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.
25 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA

1 was not “made for the protection of experts, but for the public - that vast multitude
2 which includes the ignorant, the unthinking, and the credulous, and the fact that a
3 false statement may be obviously false to those who are trained and experienced
4 does not change its character, nor take away its power to deceive others less
5 experienced.” Id. The least sophisticated consumer standard serves a dual
6 purpose in that it ensures protection of all consumers, even naive and trusting,
7 against deceptive collection practices, and protects collectors against liability for
8 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at
9 1318.

10
11 **COUNT I**
12 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES**
13 **ACT**

14 31. In its actions and methods to collect a disputed debt, Defendant
15 violated the FDCPA in the following ways:

- 16 a. Communicating with Plaintiff in connection with the
17 collection of the alleged debt, at an unusual time known or
18 which should be known to be inconvenient to the consumer,
19 in violation of 15 USC § 1692c(a)(1);
- 20 b. Engaging in conduct of which the natural consequence is to
21 harass, oppress, or abuse Plaintiff in connection with the
22 collection of the alleged debt, in violation of 15 USC §
23 1692d;
- 24 c. Using false, deceptive, or misleading representations or
25 means in connection with the collection of any debt, in
violation of 15 U.S.C. § 1692e;

- 1 d. Threatening to take action that cannot legally be taken or that
2 is not intended to be taken, in violation of 15 U.S.C. §
3 1692e(5);
- 4 e. Using false representation and deceptive means to collect or
5 attempt to collect the alleged debt, in violation of 15 U.S.C. §
6 1692e(10);
- 7 f. Failing to, within five days after the initial contact with
8 Plaintiff in connection with the collection of the alleged debt,
9 send the consumer a written notice containing any of the
10 following: the amount of the debt, the name of the creditor to
11 whom the debt is owed, a statement that unless the consumer
12 disputes the validity of the debt within 30 days of the initial
13 communication the debt will be assumed to be valid, a
14 statement that if the consumer disputes the debt in writing
15 within the 30 day period the debt collector is required to
16 verify the debt, a statement that, upon written request within
17 the 30 day period, the debt collector will provide the
18 consumer with the name and address of the original creditor,
19 in violation of 15 USC § 1692g(a), 15 USC § 1692g(a)(1), 15
20 USC § 1692g(a)(2), 15 USC § 1692g(a)(3), 15 USC §
21 1692g(a)(4), 15 USC § 1692g(a)(5);
- 22 g. By acting in an otherwise deceptive, unfair and
23 unconscionable manner and failing to comply with the
24 FDCPA.
25

1 32. As a result of the above violations of the FDCPA, Defendant is liable to
2 Plaintiff in the sum of Plaintiff's actual damages, statutory damages, and
3 attorney's fees and costs.

4
5 WHEREFORE, Plaintiff, DONALD H. NELSON, respectfully prays for a
6 judgment as follows:
7

- 8 a. All actual compensatory damages suffered pursuant to 15
9 U.S.C. § 1692k(a)(1);
10
11 b. Statutory damages of \$1,000.00 for each violation of the
12 FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
13
14 c. All reasonable attorneys' fees, witness fees, court costs and
15 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
16 § 1693k(a)(3); and
17
18 d. Any other relief deemed appropriate by this Honorable Court.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, DONALD H. NELSON, demands
21 a jury trial in this case.
22
23
24
25

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not the subject of any other action pending in any court, arbitration or administrative proceeding.

DATED: August 12, 2010

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C..

By: 

Craig Thor Kimmel
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